

REMARKS

Claims 3, 5, 25, 26, 27, 29, and 30 are cancelled without prejudice. Amendments to claims 1, 6, and 28 are made for purposes of expediting prosecution and are explained below. Claims 1-2, 4, 6-24, and 28 remain for consideration, and Applicants believe that all of these claims are now in condition for allowance.

Objections

Claims 6-24, 27 and 30 are objected to as depending from a rejected base claim but the Office Action does not explicitly indicate that the claims would be allowable if rewritten. Applicant believes the subject matter of these claims is allowable over the prior art and the Examiner inadvertently did not indicate as such in the Office Action.

Accordingly, claim 6 is rewritten in independent form to include the limitations from base claim 1 and intervening claims 3 and 5. Claim 1 is amended to include subject matter from claims 3, 5, and 6, which Applicants believe to be patentable. As compared to amended claim 6, amended claim 1 omits the "determining" and "comparing" steps, which were found in claim 5, since these limitations are not believed to be necessary for patentability. Claim 28 is amended to include the limitations from claims 29 and 30.

Rejection

The rejection of claims 1-5, 25-26 and 28-29 under 35 USC §103(a) over "Geer" (U.S. Patent No. 5,079,725 to Geer et al.) in view of "Nishihara" (U.S. Patent 6,336,209 to Nishihara et al.) is respectfully traversed because a *prima facie* case of obvious does not appear to have been established. However, the rejection is moot and should be withdrawn in view of the amendments to the claims.

CONCLUSION

All claims should be now be in condition for allowance and a Notice of Allowance is respectfully requested. If action other than allowance is contemplated by the Examiner, the Examiner is respectfully requested to telephone Applicant's attorney at 408-879-4682.

Respectfully submitted,
/ Thomas George, 45,740 /
Thomas George
Attorney for Applicant
Reg. No. 45,740

*I hereby certify that this correspondence is being
filed via EFS-Web with the United States Patent &
Trademark Office on December 19, 2008.*

*/Katherine Stofer/
Typed Name: Katherine Stofer*